

In the matter of the application of )  
 )  
 **Andrew J Tegethoff** )  
 )  
 Applicant )

The Missouri Real Estate Commission ( MREC ) hereby issues its ORDER granting a PROBATED real estate salesperson license to Andrew J Tegethoff (Tegethoff) pursuant to the provisions of § 324.038 RSMo<sup>1</sup>. As set forth in § 324.038 RSMo, Tegethoff may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the MREC's decision to issue a probated real estate salesperson license. Such written request must be filed with the Administrative Hearing Commission within 30 days of the date of delivery or mailing by certified mail of this Order. The written request should be addressed to the Administrative Hearing Commission, Room 640, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the MREC's decision shall be considered waived.

- 1 -

I

**FINDINGS OF FACT**

Based upon the foregoing the MREC hereby states

- 1     The MREC is an agency of the State of Missouri created and existing pursuant to § 339.120 RSMo for the purpose of executing and enforcing the provisions of § 339.010 to 339.205 and § 339.710 to 339.860 RSMo and the regulations promulgated thereunder relating to real estate salespersons and brokers
- 2     Tegethoff is a natural person residing at the address of 438 N Sappington Rd Condo D St Louis Missouri 63122
- 3     On or about July 24, 2013, the MREC received Tegethoff's application for a real estate salesperson license ( Application )
- 4     On his Application, question 4.13, Tegethoff was asked if he had been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere in a criminal prosecution in this state or any other state or of the United States, whether or not sentence was imposed? **NOTE: This includes Suspended Imposition of Sentence, Suspended Execution of Sentence, and alcohol related offenses, i.e. DWI and BAC.** Tegethoff responded YES to question 4.13.
- 5     On or about November 28, 2007, Tegethoff pled guilty in the United States District Court, Eastern District of Missouri, to the crime of Misdemeanor of a Felony, a felony criminal offense.
- 6     On or about February 27, 2008, the Court issued a final judgment finding Tegethoff guilty of the charge and sentenced him to eight months in prison.

- 7 According to MREC records Tegethoff previously held two real estate licenses  
broker salesperson license number 1999015112 which expired on June 30 2008  
and broker officer license number 2001031467 which expired June 30 2004
- 8 On or about September 28 2009 Administrative Hearing Commissioner John J  
Kopp issued an Order finding cause for discipline of Tegethoff's licenses under  
§ 339 100 2(2) (16) and (18) RSMo related to the aforementioned conviction
- 9 On or about February 22 2010 the MREC issued a Disciplinary Order placing  
Tegethoff's license(s) on probation upon his renewal of his license(s) The order  
became effective March 4 2010 Tegethoff never renewed his license(s)
- 10 The crime of Misprison of a Felony is an offense of which an essential element is  
fraud dishonesty or an act of violence and/or this crime involving moral turpitude  
and the commission of this crime demonstrates a lack of regard for the health  
safety and welfare of the public
- 11 The crime of Misprison of a Felony is an offenses reasonably related to the  
qualifications functions and duties of a real estate salesperson

## II

### CONCLUSION OF LAW

- 12 As a result of the criminal conduct identified in Section I herein cause exists for  
the MREC to deny Tegethoff's application for a real estate salesperson license  
pursuant to § 339 080 1 RSMo which provides The commission may refuse to  
examine or issue a license to any person known by it to be guilty of any of the acts  
or practices specified in subsection 2 of section 339 100

13 As a result of the criminal conduct identified in Section I herein cause exists for the MREC to deny Tegethoff's application for a real estate salesperson license pursuant to the provisions of § 339 100 2(16) and (18) RSMo which state

2 The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 RSMo against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or his individual or entity license for any one or any combination of the following acts

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339 040

(18) Been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere in a criminal prosecution under the laws of this state or any other state or of the United States for any offense reasonably related to the qualifications functions or duties of any profession licensed or regulated under this chapter for any offense an essential element of which is fraud dishonesty or an act of violence or for any offense involving moral turpitude whether or not sentence is imposed

14 Section 339 040 1 RSMo provides that licenses shall be issued only to persons of good moral character who bear a good reputation for honesty integrity and fair dealing and who are competent to transact the business of a real estate salesperson in a manner so as to safeguard the public's interest

15 As a result of the criminal conduct identified in Section I herein Tegethoff has engaged in conduct and has pleaded guilty to crimes that adversely affect his moral

character his reputation and his fitness and qualifications to practice as a real estate salesperson

- 16 As an alternative to refusing to issue a license the MREC may at its discretion issue a license subject to probation pursuant to § 324.038.1 RSMo which provides

Whenever a board within or assigned to the division of professional registration including the division itself when so empowered may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of license the board as an alternative to refusing to issue a license may at its discretion issue to an applicant a license subject to probation

- 17 The MREC issues this Order in lieu of denial of Tegethoff's application for a real estate salesperson license The MREC has determined that this Order is necessary to ensure the protection of the public

### III

#### TERMS AND CONDITIONS

- 18 Based on the foregoing the Missouri real estate salesperson license issued to Tegethoff is subject to the following terms and conditions
- 19 Tegethoff's license is on probation for five years Tegethoff's real estate salesperson license is hereby placed on PROBATION for a period of FIVE YEARS from the effective date of this Order During the period of probation on his real estate salesperson license Tegethoff shall be entitled to practice as a real estate salesperson provided he adheres to all the terms stated herein The period of probation shall constitute the disciplinary period

20    Terms and conditions of the disciplinary period    Terms and conditions of the disciplinary period are as follows

A    Tegethoff shall keep the MREC apprised at all times in writing of his current address and telephone number at each place of residence and business. Tegethoff shall notify the MREC in writing within ten days of any change in this information.

B    Tegethoff shall timely renew his Missouri real estate salesperson license, timely pay all fees required for license renewal, and comply with all other requirements necessary to maintain his license in a current and active state.

C    Tegethoff shall meet in person with the MREC or its representative at any such time and place as required by the MREC or its designee upon notification from the MREC or its designee. Said meetings will be at the MREC's discretion and may occur periodically during the probation period.

D    Tegethoff shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee.

E    During the probationary period, Tegethoff shall accept and comply with unannounced visits from the MREC's representatives to monitor compliance with the terms and conditions of this Order.

F    If at any time within the disciplinary period Tegethoff changes residence from the State of Missouri, ceases to be currently licensed in Missouri under the relevant provisions of Chapter 339, RSMo, as amended, fails to timely pay all fees required for license renewal, or fails to keep the MREC advised of all current places of residence and business, the time of absence, unlicensed status, delinquency in

paying fees for license renewal or unknown whereabouts shall not be deemed or taken as any part of the disciplinary period


G Tegethoff shall comply with all relevant provisions of Chapter 339 RSMo as amended all rules and regulations of the MREC and all local state and federal laws State as used herein refers to the State of Missouri and all other states and territories of the United States

- 21 Upon the expiration and successful completion of the disciplinary period Tegethoff's real estate salesperson license shall be fully restored if all other requirements of the law have been satisfied provided however that in the event the MREC determines that Tegethoff has violated any term or condition of this Order the MREC may in its discretion after an evidentiary hearing vacate and set aside the discipline imposed herein and may suspend revoke or otherwise lawfully discipline Tegethoff's real estate salesperson license
- 22 No order shall be entered by the MREC pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the MREC in accordance with the provisions of Chapter 536 RSMo
- 23 If the MREC determines that Tegethoff has violated a term or condition of this Order which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court the MREC may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning such violation
- 24 If any alleged violation of this Order occurs during the disciplinary period the MREC may choose to conduct a hearing before it either during the disciplinary

period or as soon thereafter as a hearing can be held to determine whether a violation occurred and if so may impose further disciplinary action. The MREC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

25 The MREC will maintain this Order as an open and public record of the MREC as provided in Chapters 339, 610, and 324 RSMo.

SO ORDERED AND EFFECTIVE THIS 15 DAY OF AUGUST 2013



Janet Carder, Executive Director  
Missouri Real Estate Commission